

**City of Tillamook Planning Commission Minutes
November 6, 2008**

I. CALL TO ORDER:

Chairperson Stewart called the meeting to order at 7:05 pm.

Commission Members Present:

Jan Stewart, Chairperson
Howard Harrison
Nick Hahn
Ray Jacobs

Commission Members Absent:

Tamra Jacobs (excused)
Rob Huston (unexcused)

Staff Present:

David Mattison, City Planner

II. HEARINGS OF CITIZENS AND DELEGATIONS: NONE

**III. APPROVAL OF PLANNING COMMISSION HEARING MINUTES
FROM OCTOBER 2, 2008**

Commission Member Harrison moved to approve the minutes of October 2, 2008 as presented with changes. Motion seconded by **Commission Member Hahn**. Motion passed unanimously in favor (**Commission Member R. Jacobs** abstained).

IV. PUBLIC HEARINGS:

1) Review of and Revisions to Site Plan Review #SP-07-05, Valley fresh Produce at Map #T1S R9W 28 Tax Lot 100, within the R-O Zone inside the City Limits and Urban Growth Boundary regarding alteration of the location of the handicapped ramp and as required by the Final Findings and Conclusion, Condition #9, of the Final Findings and conclusions approved at the May 1, 2008 hearing. This hearing was tabled and is being continued from the October 2, 2008 hearing.

Chairperson Stewart read the hearing disclosure statement into the record, asking if any of the commissioners had ex-parte contact, conflicts of interest or bias. There were no ex-parte contacts, conflicts of interest or bias stated. There were no challenges from the audience.

City Planner summarized the findings with a correction from the proposed eight spaces on the south side to a ten-space parking space on south side. Other amendments include the front yard fence height and the location of the handicapped ramp location.

Commission Member Hahn asked if the conditional use was based on full-time use. **City Planner** stated that it was based on part-time use. **Commission Member Harrison**

asked if the fence height is handled administratively or if a variance is required. **City Planner** stated a variance could be handled tonight.

Applicant:

Rich Gitshlag, NCES, 805 A Ivy Avenue, Tillamook, asked to clarify that at the last meeting it was suggested that Public Works had not actually seen the construction drawings for the sidewalk, curb and sewer. A complete set was delivered to Public Works.

Tiffany Wright, Wright Construction, 4150 Third Street, Tillamook, offered copies of the road approach permit and sidewalk and curb permits.

Jesus Sosa, Valley Fresh Produce, 5112 Third Street, Tillamook said the handicapped ramp was completed. The sewer line needs to be completed before the lights can be completed.

Chairperson Stewart asked **Rich Gitshlag** if the items represented on the board are accurate. He said the fence is there for security purposes.

Chairperson Stewart asked if there was additional support for or against the application. There was none. She then asked if there was any neutral testimony. There was none. **Chairperson Stewart** then closed the public hearing.

The Commission then discussed the front yard requirement and its required setback. **Commission Member Hahn** said he thought the fence should be okay at 6 feet because of its location. **Chairperson Stewart** explained that the Commission should either accept the changes presented or interpret the changes as having met the Code under which they were initially approved.

City Planner clarified the reason for the parking lot as a side yard location was because the Code requires that front yard parking lots are only allowed in certain zones and in other zones parking must be at side or rear of yard. **City Planner** further explained that the building meets the setback for the front yard and the reason the fence is south of the building was so that the 6-foot high fence would remain at the side yard and not the front yard. If the applicant wants to keep the 6-foot high fence then he needs to use a variance request and a public notice must be issued.

Chairperson Stewart summarized that the changes to the Findings of Fact have been changed and corrections made to parking space number and angle, handicapped ramp location, one-way entrance and exit. If the Commission accepts the findings of fact the three changes do not have to be in conditions. **Chairperson Stewart** stated that the Findings are stating that they are meeting the criteria at this point and **City Planner** would not have to bring it back to Commission as long as the applicant still meets the criteria.

Commission Member Harrison moved that **Conditional Use Permit CU-07-03 and Site Plan Review** be approved in accordance with staff findings including the changes to the parking spaces the handicapped ramp location and the entrance and exit, and based on these findings the applicant has met the typical criteria, and the remaining conditions should be met with the addition of a condition that a 6-foot

high chain link fence is permitted in the 20-foot setback for the front yard. Commission Member Hahn seconded the motion. Commission Member Hahn additionally asked for an amendment to say that the 6-foot fence is allowable as long as it meets the 20-foot front yard setback criteria. The amendment was accepted by Commission Member Harrison.

The vote was as follows:

Commission Member Hahn: aye

Chairperson Stewart: aye

Commission Member Harrison: aye

Commission Member R. Jacob: aye

There being a four (4) aye votes, the motion carried. Chairperson Stewart advised of the ten-day appeal of decision from the date of this hearing.

V. ITEMS OF HIGH PUBLIC INTEREST: NONE

VI. ITEMS OF COMMISSION CONCERN:

Commission Member Hahn is concerned about the progress being made at the building at Second Street and Main Avenue as well as others. Has anyone been in contact with the property owners? **Chairperson Stewart** said enforcement is limited to the ordinance or the building official.

Chairperson Stewart said she has received two complaints in the last month about the city's sidewalks.

VII. ANNOUNCEMENTS:

City Planner let the Planning Commission know that archived planning commission training sessions are still online.

VIII. ADJOURNMENT OF PUBLIC HEARING:

There being no further business, the meeting was adjourned at 10:15 pm.

Submitted by,
David Mattison, City Planner

Approval Acknowledged by:

Howard Harrison, City Planning Commission Vice-Chair

Date